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Ohio Supreme Court sides with state over charter-school funding

August 9, 2018 at 12:00a.m.

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Associated Press

COLUMBUS

Ohio had authority to calculate a giant online charter school's funding using student participation data rather than only enrollment, the state Supreme Court ruled Wednesday in the latest blow to the now-dismantled e-school.

The Electronic Classroom of Tomorrow, which had been among the nation's largest virtual schools, closed to its roughly 12,000 students in January but remains of interest to prosecutors reviewing audit findings and politicians raising accountability issues in a midterm election year.

The Associated Press reported in April allegations by a former ECOT employee that the school intentionally inflated attendance data in order to draw more state money, a claim largely validated in state audit findings that have been referred to criminal investigators.

ECOT had argued in court that Ohio's Department of Education overstepped its authority when it used student learning time to determine the school owed the state a \$60 million refund from the 2015-16 school year. But justices sided with the state in a 4-2 decision affirming a lower court's ruling, concluding the department acted within its authority under Ohio law.

"We determine that [the law] is unambiguous and authorizes ODE to require an e-school to provide data of the duration of a student's participation to substantiate that school's funding," Justice Patrick Fischer wrote for the majority.

ECOT attorney Marion Little said the school was disappointed but would continue to pursue its administrative challenges to the Education Department in lower courts.

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documentation.

“Ultimately, this is what’s best for students and taxpayers alike,” said Brittany Halpin, the department’s spokeswoman. “We’re pleased the Ohio Supreme Court agreed with the department’s interpretation of the law, and we remain committed to ensuring that all community schools receive their correct funding.”

The high court concluded that when lawmakers stated each student could receive no more than 10 hours of credit per school day, they set up a need for documentation of students’ activities.

“This calculation can be made only by referring to records that contain evidence of the duration of a student’s participation in learning opportunities,” Fischer wrote.

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